

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF PUERTO RICO**

3           Eduardo Bado Santana, et al.  
4           Plaintiffs,

5                                   v.

**Civil No. 00-2517 (GAG)**

6           Bridgestone-Firestone, Inc., et al.,  
7           Defendants.

8                                   **OPINION AND ORDER**

9           This matter is before the court on Ford's motion to reconsider (Docket No. 291) the court's  
10       previous opinion and order denying summary judgment and addressing several expert witness issues.  
11       See Docket No. 290. Ford argues that the court should reconsider the motion on the issues of  
12       vehicle stability and inertial unlatching.

13           In its opinion and order, the court clearly set out and applied the standard for making a  
14       Daubert determination. See Docket No. 290, pp. 6-7. Given that Ford only asserted a Daubert  
15       challenge on Dr. Renfroe's inertial latching theory, the court found that plaintiffs had sufficiently  
16       satisfied their burden, based on the pleadings and volumes of transcripts, in demonstrating: 1) that  
17       the theory can be and had been tested, 2) that the theory had been subjected to peer review, 3) the  
18       known or potential rate of error, and 4) the level of the theory's acceptance within the scientific  
19       community. See Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579, 593-94 (1993). Having  
20       found Dr. Renfroe's theory reliable, and given that Ford based its argument for summary judgment  
21       on the assumption that Dr. Renfroe would be deemed unreliable, the court denied summary  
22       judgment.

23           Further, the court also clearly laid out the standard for a motion for summary judgment,  
24       which was the standard to be applied to the non-Daubert issue, the vehicle stability. See Docket No.  
25       290, p. 7. The court then assessed from the record that there were enough material issues of facts  
26       to deny summary judgment. Id. at 9. Specifically, the court noted that it is a basic tenet of law that  
27       determinations of credibility and weight of evidence, under a summary judgment lense, are not in  
28       its province. Given that the undisputed facts demonstrated clear issues of material fact, the court

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1 denied summary judgment on the vehicle stability issue as well.

2 Ford has not provided the court with any sound argument as to why it should reconsider its  
3 initial ruling. Therefore, the matter is **DENIED** accordingly.

4 The court reminds the parties that a pretrial/settlement conference has been scheduled for  
5 Tuesday, January 16, 2007 at 2pm before the undersigned. The court strongly urges the parties to  
6 convene before the conference in order to settle the matter.

7 **SO ORDERED.**

8 In San Juan, Puerto Rico this 16 th day of November 2006.

9  
10 */s/ Gustavo A. Gelpi*

11 GUSTAVO A. GELPI  
12 United States District Judge  
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